

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANK COENMANS,

Plaintiff,

v.

BAKON BAKKERIJMACHINES USA
CORPORATION and LUC IMBERECHTS,

Defendants.

CASE NO. 2:24-cv-00678-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. For the reasons discussed below, the Court orders the parties to show cause why this case should not be remanded for lack of subject matter jurisdiction. *See Polo v. Innoventions Int’l, LLC*, 833 F.3d 1193, 1196 (9th Cir. 2016).

Federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists[.]” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). This determination is an “inflexible” threshold requirement that must be made “without exception, for jurisdiction is power to declare the law and without jurisdiction the court cannot proceed at all in any cause.” *Ruhrigas AG v. Marathon Oil Co.*, 526 U.S. 574, 577 (1999) (cleaned up). “If at any time before final

1 judgment it appears that the district court lacks subject matter jurisdiction, the case shall be
2 remanded.” 28 U.S.C. § 1447(c); *see also Cal. ex rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838
3 (9th Cir. 2004).

4 Removal of a civil action to federal district court is proper when the federal court would
5 have original jurisdiction over the state court action. 28 U.S.C. § 1441(a). Federal jurisdiction
6 exists over all civil actions where the matter in controversy exceeds \$75,000 and the action is
7 between citizens of different states. 28 U.S.C. § 1332(a)(1). The Ninth Circuit “strictly construe[s]
8 the removal statute against removal jurisdiction,” and “[f]ederal jurisdiction must be rejected if
9 there is any doubt as to the right of removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d
10 564, 566 (9th Cir. 1992) (per curiam). “The ‘strong presumption’ against removal jurisdiction
11 means that the defendant always has the burden of establishing that removal is proper.” *Id.* Doubts
12 as to removability are thus resolved in favor of remanding the case to state court. *Matheson v.*
13 *Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003).

14 Defendants Bakon Bakkerijmachines USA Corporation and Luc Imberechts removed this
15 case from Whatcom County Superior Court on the basis of diversity jurisdiction. Dkt. No. 1 at 1–
16 2 (citing 28 U.S.C. § 1332); *see also id.* at 3 (claiming that because this action “is between citizens
17 of different states (Washington for the Plaintiff, and California as to the Defendant) and the amount
18 in controversy, exclusive of interest or costs, exceeds \$75,000, this Court has original jurisdiction
19 over the subject matter of Plaintiff’s Complaint pursuant to 28 U.S.C. § 1332(a)”). Specifically,
20 Defendants alleged that Plaintiff Frank Coenmans “is a resident of the State of Washington and is
21 currently residing in the State of Washington,” that Bakon “is a California corporation,” and that
22 Imberechts “resides in the State of California.” *Id.* at 2–3. The removal notice further stated that
23 this case “satisfies the amount in controversy requirement because it involves monetary claims
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